

Special Selectmen's Meeting Minutes  
April 15, 2010  
Harpswell Town Office  
Approved April 22, 2010

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator and Terri Sawyer, Deputy Administrator

The meeting was called to order at 5:00 p.m. and the agenda adopted.

1) Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #24 in the amount of \$5,272.63; motion passed 3-0. Payroll warrant #16 in the amount of \$14,277.66 was noted for the record.

2) Chairman Henderson moved, seconded by Selectman Wallace to move into executive session pursuant to 1 M.R.S.A § 405(6)(c) re: possible acquisition of real property.

The Board returned to open session at 6:00 p.m.

3) Orr's Island Library Land Use Matters: Peg Bonarrigo and John Robbins were in attendance representing the Orr's Island Library and Ned Simmons, chair of the Board of Appeals. Selectman Multer recused herself from the discussion as she does not believe she can be unbiased as she has a long standing relationship with the Library. Administrator Eiane outlined the typical options with considering land use violations where the Board can enter a consent agreement that may or may not include a fine or the Board can require the removal of the violation. Ms. Bonarrigo explained the construction of the Library's addition required variances that were granted by the Board of Appeals and the Library subsequently unfortunately exceeded the sideline setback variance. Mr. Robbins stated the affected abutting property owners, Kenneth and Blanche Graybill, have signed a letter stating no objection to the encroachment and have verbally supported the Library and its addition. Ned Simmons stated the Appeals Board didn't act on the request for the variance to this violation at the last meeting as it is clear it is a self- created hardship and the Maine Municipal Association manual suggested such cases are better handled at the Board of Selectmen level. Chairman Henderson moved, seconded by Selectman Wallace to direct the Town attorney to draft a consent agreement effecting a cure for the nonconformity part of the structure; motion passed 2-0. Ms. Bonarrigo expressed urgency with the timing as this is affecting the Library's loan. Chairman Henderson stated he was not inclined to support a significant fine in the consent agreement and moved to have the agreement drafted without an imposition of a fine. Selectman Wallace expressed concern about not setting a fine and the potential impact on future cases. Chairman Henderson stated he could defend the action given the Town contributes funds to the Library. Selectman Wallace seconded the motion and it passed by 2-0.

The meeting adjourned by unanimous vote at 6:25 p.m.

Respectfully submitted,

Terri-Lynn Sawyer  
Deputy Town Administrator